

SUSTAINABLE GROWTH SCRUTINY COMMITTEE	Agenda Item No. 5
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Report of the Executive Director of Operations

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PETERBOROUGH ‘STATEMENT OF COMMUNITY INVOLVEMENT’, NEIGHBOURHOOD PLANNING AND COMMUNITY ACTION PLANS

1. PURPOSE

- 1.1 The purpose of this report is to obtain the Committee’s views and comments on a review of the Statement of Community Involvement (attached) which is being presented to the Cabinet on 26 March 2012, for approval for the purposes of public consultation. The Committee’s views and comments will be taken into account and reported orally to the Cabinet.
- 1.2 If it is approved by Cabinet, officers propose to consult with the public and stakeholders on a draft of the Statement of Community Involvement in April and May 2012.

2. RECOMMENDATIONS

- 2.1 The Committee is requested to offer any comments on the draft Statement of Community Involvement, in accordance with the committee’s delegations under paragraph 5.4.3 of Part 3 of the Council’s Constitution, before it is presented to Cabinet on 26 March 2012 for approval for the purposes of public consultation.

3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY

- 3.1 This report links with the sustainable growth priority and the strong and supportive communities priority of the Sustainable Community Strategy.

4. BACKGROUND

Introduction

- 4.1 Planning is a high profile and contentious issue, whether that be plan-making (such as allocating sites for new development), determining planning applications or preparing ‘action plans’ for specific communities.
- 4.2 How we plan, and how people can get involved in planning decisions, is also under a period of significant change as a result of the Localism Act 2011.
- 4.3 It is, therefore, essential that the council sets out the ‘rules’ for all these matters, in order to ensure that:
 - the public has full knowledge of the process and know exactly when best to get involved;
 - officers prepare plans and deal with planning applications, in the knowledge that they are being prepared in accordance with Members’ wishes with respect to public engagement and consultation; and
 - Members have confidence that a robust and consistent process is in place.

4.4 As such, from time to time, it is important the council refreshes its consultation framework, and helps people get the most out of the planning system.

Statutory document setting out consultation arrangements

4.5 It is a statutory requirement for the council to set out how it will consult the public on planning matters, in a document entitled '**Statement of Community Involvement**' (SCI). The council adopted its first (and current) SCI in February 2008¹.

4.6 However, there have been considerable changes in the past four years, especially since the Localism Act 2011 was given royal assent in November 2011, such as:

- Changes to the local plan making Regulations (likely to come into force in Spring 2012);
- Revised guidance from Government, mostly in the form of a new National Planning Policy Framework (NPPF) which will replace all previous government guidance notes such as Planning Policy Guidance/Statements and Circulars (the final version of the NPPF is due in Spring 2012);
- The introduction of 'Neighbourhood Planning', which includes matters such as Neighbourhood Development Plans, Neighbourhood Development Orders, and the setting up of Neighbourhood Areas and associated Neighbourhood Forums (likely to come into force from 1 April 2012);
- The introduction of 'referendums' to approve matters prepared under Neighbourhood Planning powers;
- Proposed abolition of regional planning (likely to come into force later in 2012);
- New duties on developers to undertake pre-application consultation with communities which will be potentially affected by their proposals (and a duty to demonstrate how comments raised have been taken into account by the developer);
- Possible changes to planning application fee setting (though this now seems less likely than was previously thought);
- A general 'raised expectation' from the public, since the new coalition government has been in place, that planning decisions will be taken with greater involvement of the community; and
- The introduction in Peterborough of Neighbourhood Committees with devolved powers and delegated decision making.

4.7 Thus, officers are recommending that a refresh of the SCI be prepared and have drafted the attached. If Cabinet agree at its meeting on 26 March 2012, the draft will be issued for public consultation. Subsequently, a final version, taking into account any comments made, will be taken to Cabinet for adoption.

Principal changes to the SCI since the 2008 version

4.8 Some parts of the SCI are simply in need of updating from the 2008 version, to ensure that updated government guidance is properly reflected and any best practice taken advantage of. However, two new significant sections to the SCI have been added relating to a 'Pre-application Advice Note' and 'Neighbourhood Planning'.

Pre - Application Advice Note

4.9 The Localism Act has put in place much stronger requirements for developers to undertake consultation with communities before submitting a formal planning application to the city council. The Act also enables local planning authorities to prepare a local 'advice note' on this matter which a developer must have regard to when undertaking pre-application consultation.

¹ For the current adopted Peterborough SCI (2008), see:
http://www.peterborough.gov.uk/planning_and_building/planning_policy/draft_development_plans/statement_of_community_involve.aspx

- 4.10 To ensure the city council is well prepared in this regard, we set out in the SCI a draft 'advice note' and are seeking views on it. A final version will then be prepared, taking account of both the consultation response and any other national guidance issued in the meantime.
- 4.11 We anticipate developers will welcome this local advice note, because it ensures that there is a fair, transparent, level playing field for such pre-application work. Without the advice note, developers could only rely on the rather sketchy details published by Government to date, with the risk that a developer either undertakes too little or too detailed pre-application consultation, the outcome of which would be delay and an impact on our growth aspirations.

Neighbourhood Planning

- 4.12 A second significant new section in the SCI is entitled 'Neighbourhood Planning in Peterborough'. This section sets out how the council intends to take forward the wide range of issues which come under the 'Neighbourhood Planning' section of the Localism Act.
- 4.13 In short, 'Neighbourhood Planning' has two principal elements:
- A '**neighbourhood development plan**', which is defined in the Localism Act as 'a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan'.
 - A '**neighbourhood development order**', which is defined as 'an order which grants planning permission in relation to a particular neighbourhood area...for development specified in the order, or for development of any class specified in the order'.
- 4.14 In simple terms, a 'neighbourhood area' is either a parish council area (or part thereof) or, where a parish does not exist, an area as defined by a neighbourhood forum. The setting up of such 'areas' and 'forums' have their own set of procedures in the Localism Act, and must be complete before any neighbourhood plan or order is embarked upon.
- 4.15 Whilst not statutorily required, it is considered sensible and helpful to the public that the SCI sets out how the city council will fulfil its statutory functions under the Localism Act in terms of how the council will deal with any applications to become (a) a **Neighbourhood Area**; and (b) a **Neighbourhood Forum**, and against what criteria the council will approve or reject such applications together with the decision making process.
- 4.16 It is important to note that the Localism Act and the associated (currently draft) neighbourhood planning Regulations make it very clear that unitary, district or county councils do not prepare, or even lead preparation of, either neighbourhood plans or orders. They can only be initiated by the community themselves. The costs associated with their preparation fall partly on the local planning authority (i.e. Peterborough City Council) and partly on the Parish Council or Forum which has initiated the process.
- 4.17 The purpose, in part, of the Peterborough SCI is **not** to set the rules as to what a neighbourhood plan or order should contain, but rather what assistance the council will give a parish or neighbourhood forum to help them prepare such a plan or order. Clearly, it is important that the council is very clear in these matters so as to appropriately give confidence to neighbourhood areas as to what help they will get with preparing their plans or orders. Similarly, being clear will ensure that there are no false expectations as to the amount of resources the council is able to offer and the number of Neighbourhood Plans and Orders it can process in any given time period (especially in the current difficult financial climate). It is a very careful balance to be made, and officers feel the SCI is the right and proper place to agree this (following, of course, public consultation on the draft SCI).
- 4.18 In short, it is essentially saying that the council will support any neighbourhood wanting to prepare a 'plan' or 'order', but confirming that the lead on their preparation must come from the

community and the resources available from the council to help on individual cases will be limited and proportionate.

- 4.19 The SCI also sets out how the city council will manage the independent examination and referendum processes at the end of the Neighbourhood Plan or Order preparation and approval process.
- 4.20 It may be that the council gets very limited interest in neighbourhood plans and orders, partly due to the cost burden on communities, partly because we have just gone through a successful joint-working arrangement with parish councils in respect of the Design and Development in Villages SPD or partly because communities have no real desire to pursue their own development opportunities or set their own planning 'rules' for their area. Nevertheless, where communities do want to take advantage of the new legislation, the city council should support communities, ensuring they understand what they are and what help they might get in preparing them. To date, we have had some interest from a few parish councils. Whilst mostly this has been limited to '*what is neighbourhood planning?*' one (Newborough Parish Council) has formally declared its intention, from 1 April 2012, to prepare a Neighbourhood Development Plan.

Alternative options, instead of neighbourhood planning

- 4.21 The SCI also touches upon what alternative options a local neighbourhood has if it does not want to undergo the somewhat lengthy (and potentially costly) formal neighbourhood planning process. This includes taking advantage of Supplementary Planning Documents (a number have been adopted over the past two years) or Community Action Plans. This latter option is discussed in more detail below:

Community Action Plans

- 4.22 Alongside the planning system, the council's Neighbourhood Managers are preparing 'Community Action Plans' (CAP) for the city council's neighbourhood committee areas. A CAP should not be confused with the new Neighbourhood Planning as established by the Localism Act and described above – they are two very different documents. A Neighbourhood Plan is about land use matters, such as saying what development should go where. A CAP is about setting out what service providers (including the council, but also other providers such as the police and the health authorities) are to prioritise in a particular area, such as street cleaning, education facilities, maintenance and regeneration of play facilities, health facilities etc. i.e. they are about what the public, private and not-for-profit sector partners can or will do in a particular area, excluding anything to do with new development which would require (significant) planning permission, albeit the CAPs may inform planning decisions.
- 4.23 The Neighbourhoods Team will be initiating a series of CAPs, geographically modelled on the Neighbourhood Committee areas. Developed through the Neighbourhood Managers, they will require commitments and input from a wide range of council and other public, private and not-for-profit sector partners to be fully effective (e.g. police, health, voluntary sector, faith communities etc).
- 4.24 Each CAP (there will be seven in total) will follow a similar format, which will be modelled on the same content as the overarching citywide Single Delivery Plan. The Single Delivery Plan is the emerging plan that will address Peterborough's most challenging issues in a fully joined-up way. Seven priority themes have been identified in the Single Delivery Plan by partners, beneath which sit a series of more tangible projects. The seven priority theme headings will be used as the framework for the CAPs, with detail sitting beneath each heading which is specific to that locality whilst supporting the overall priorities for the city.
- 4.25 The seven priority themes are:
- Creating jobs through growth and improved skills and education
 - Supporting the most vulnerable families and tackling the causes of poverty
 - Safeguarding adults and children

- Helping people and organisations live more healthy and sustainable lives and reducing energy consumption
- Empowering people and creating cohesive communities
- Reducing crime and tackling anti-social behaviour
- Using our resources more efficiently, effectively and innovatively

4.26 Additionally, each CAP will contain an introductory section which paints a picture of the area, including population and demographic detail, information about facilities and services, and information about existing community groups and associations.

4.27 Once completed, each CAP will need to be approved through the normal routes – Neighbourhood Committee, Scrutiny and Cabinet. Where any decisions are required or any spend needed that originate from the CAPs then that will be subject to the usual corporate processes.

4.28 Members are asked to endorse the principle of preparing a CAP for each of the Neighbourhood Council areas.

5. KEY ISSUES

5.1 Subject to Cabinet's approval on 26 March 2012, we propose to consult on a draft revised Statement of Community Involvement in April and May 2012.

5.2 The Localism Act has put in place much stronger requirements for developers to undertake consultation with communities prior to submitting a formal planning application to the city council. The Act also enables local planning authorities to prepare a local 'advice note' on this matter which a developer must have regard to when undertaking pre-application consultation.

5.3 To ensure the city council is well prepared in this regard, we set out in the SCI a draft 'advice note' and are seeking views on it. A final version will then be prepared, taking account of both the consultation response and any other guidance issued in the meantime nationally.

5.4 A second significant new section in the SCI is entitled 'Neighbourhood Planning in Peterborough'. This section sets out how the council intends to take forward the wide range of issues which come under the 'Neighbourhood Planning' section of the Localism Act.

6. IMPLICATIONS

6.1 **Financial:** Preparation of an SCI has minimal costs, and can be met within existing budgets. Indirectly, the SCI commits the council to undertaking certain consultation tasks in the future. Most of these are of very low cost, and fall within existing established budgets. However, the Neighbourhood Planning requirements, which are new for 2012 onwards, will result in additional costs. The council has a statutory duty to support and facilitate Neighbourhood Planning and the 'service standards' set out in the draft SCI do not significantly increase our financial expenditure requirements compared with the statutory minimum service we must provide. Government has acknowledged that Neighbourhood Planning will incur an additional burden on councils (city council officers estimate the costs on the city council could be somewhere in the region of £20,000 per plan), and had previously indicated in 2011 to financially support councils accordingly in due course. However, to date, we are not aware of the level of that support, if any at all, and therefore this can not currently be relied upon, therefore costs will need to be absorbed from within existing budgets, primarily planning policy, until Government funding is forthcoming.

6.2 It should be noted that the draft SCI explicitly sets deadlines for receipt of various applications for receiving neighbourhood planning related matters from communities, as well as limiting the number of plans and orders the council is capable of facilitating in any given year (with waiting lists being put in place, if demand exceeds the council's ability to process proposals). This will ensure that a robust, fair and financially prudent process is in place to deal with Neighbourhood

Planning, and explained in advance to communities. To not set such deadlines and thresholds could result in unlimited neighbourhood planning matters being fed through the council, each one with associated costs on the council which the council would be obliged to meet i.e. an unlimited financial liability on the council.

6.3 The preparation of CAPs will have a relatively low cost and can be met within existing budgets. The CAPs, themselves, will help steer investment at the neighbourhood level, but not necessarily commit the council to expenditure directly, except by influencing existing budgets.

6.4 **Legal Implications:** The SCI, once adopted, must be adhered to by the council in the way it conducts its planning business. Failure to do so could result in legal challenges. However, members are being asked to comment on a draft for consultation, so there are no direct legal implications of this agenda report.

6.5 **Environmental:** there are no direct implications.

7. CONSULTATION

7.1 Consultation will take place on the attached SCI document during April and May 2012, assuming it is approved by Cabinet on 26 March 2012.

8. NEXT STEPS

8.1 Following consideration by the committee, the draft Statement of Community Involvement will be presented to:

- Planning & Environmental Protection Committee on 6 March 2012 (prior to this meeting)
- Scrutiny Commission for Rural Communities on 19 March 2012.
- Cabinet on 26 March 2012

8.2 Consultation with the public is expected to take place alongside in April/May 2012.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

9.1 None

10. APPENDICES

10.1 The draft Statement of Community Involvement